

MINUTES OF THE  
OAK CREEK PLAN COMMISSION MEETING  
TUESDAY, APRIL 28, 2015

Mayor Scaffidi called the meeting to order at 6:00 p.m. The following Commissioners were present at roll call: Commissioner Dickmann, Commissioner Johnston, Commissioner Carrillo, Alderman Bukiewicz, Alderman Guzikowski, Commissioner Correll, Commissioner Siepert and Commissioner Chandler. Also present: Kari Papelbon, Planner; Mike Kressuk, Assistant Fire Chief; Doug Seymour, Director of Community Development.

Commissioner Dickmann moved to approve the April 14, 2015 meeting minutes. Commissioner Siepert seconded. On roll call: all voted aye, except Alderman Bukiewicz, who abstained. Motion carried.

**Plan Review**

**Wimmer Communities**

**6871, 6881, 6881R, 6933, 6939, & 6955 S. 13th St.**

**Tax Key Nos. 736-8010-001, 736-8999-004, 736-8999-003, 736-8007, 736-8990-001, 736-8011**

Ms. Papelbon provided a brief summary of the proposal before the presentation by the applicant.

Nick Wimmer, Wimmer Communities, 5300 S. 108<sup>th</sup> St., Hales Corners, WI, gave a presentation for the approval of Southfield Expansion II, which adds 40 units and 2½ acres to the existing 19-acre Southfield Apartment community. Wimmer Communities came before the Plan Commission in 2013 and was granted approval of a conceptual PUD development for Southfield Expansion II. They are now requesting final approval of civil, architectural, landscape, lighting and signage plans.

Mayor Scaffidi asked how far along they are in the acquisition of the property at 6903 S. 13<sup>th</sup> St. Mr. Wimmer stated he has been in talks with the property owner, but he is not ready to relocate. Right now they have a standing offer of 120% of the City assessed value of that property.

Commissioner Siepert asked if there is adequate visitor parking in the proposal. Mr. Wimmer stated that they will have 2½ spaces per unit. That includes a garage space, a surface space for each rental unit, and the remainder for guest parking.

Commissioner Chandler asked for more information about the wall and development signs. Mr. Wimmer responded they will have the Wimmer Community logo as well as the Southfield logo on the brick walls.

Commissioner Chandler asked for information about the trees in the wetland area. Mr. Wimmer responded that such was an oversight. There were two trees placed in the wetland area, which will not be included on the revised landscape plans.

Commissioner Chandler asked why some of the buildings were sited at an angle. Mr. Wimmer responded that it was to break up the property to give it some dimension for visual purposes along 13<sup>th</sup> Street.

Asst. Chief Kressuk stated that for the two buildings to the east, there is an access road between the buildings and two parking structures that end in a dead-end. The Fire Department is requesting that a turnaround be set up in the event fire apparatus has to go down that one-way lane. There are Code requirements that say one-way lanes of a certain length require a Fire Department approved turnaround. Asst. Chief Kressuk stated that he would work with the applicant with the understanding that that is going to be a pass-through eventually.

Alderman Bukiewicz asked if they were going to have to take a hydrant line up that way and whether they are going to provide for the future buildings with that hydrant. Asst. Chief Kressuk stated that the most economical solution is to take a look at both phases now and plan out how the hydrants will be placed. If they can factor in both parcels up front, that would be best for the developer.

Commissioner Chandler asked about the 16-foot garages being scaled incorrectly in the plans. Ms. Papelbon responded that the plans don't adequately scale for the garage buildings. It is a technical correction that will be made a requirement for whenever they resubmit plans.

John Rybacki, 6903 S. 13<sup>th</sup> Street, stated that he is not interested in selling his property to Wimmer Communities for personal reasons. He stated that it is a low area and there was a lot of water in the area before the pond was dug. He stated that his basement is low and on the northwest corner of his house, he does get water in the basement window when there is a good rainfall. It was not like that before the prior expansion. He requested that as the grading plan is reviewed, he be involved in those discussions. Most of the area seems like it is low where the buildings are going up to the west, so that is good. He requested that anything that is done to the grading where the water by the northwest corner of his house is be improved or efforts are made so that it doesn't get worse. He stated that there used to be a garage and a landlocked piece back there and a considerable amount of water around it. Wimmer Communities put in a garage and brought the ground level up. He feels that some of the water went west and now it is coming toward his property.

Mr. Rybacki stated his further concern that a temporary soil pile is shown on the erosion control map on the south side of his property. He would appreciate it if it wasn't there for an extended period of time. He stated that last time they (Wimmer) constructed additional apartment buildings there was a house to the north of his property. It was eventually torn down, but it was still zoned Rs-1 at the time. It became the construction headquarters with a trailer. He stated that Mark Wimmer assured him today that there wouldn't be any trailer there near his property. Mr. Rybacki requested that any clutter not be brought up to his property line.

Mr. Rybacki stated that when the latest additions were constructed he was really glad a fence was installed to the west. Prior to that people were using his driveway as a shortcut to the apartments. Mr. Rybacki asked for the continuation of a fence further east toward the sidewalk with a smaller fence that is used in the frontages of properties. This request is being made to keep people off of his property.

Mr. Wimmer stated that the preliminary grading plan does sheet water away from his property, and that there are stormwater retention basins planned to maintain that. As far as the dirt pile shown on the erosion control plan, they will be stripping the site for topsoil and then retaining that on site until they are ready for landscaping. There is a designated area that will be surrounded by silt fence for the time being where topsoil will be stored. That topsoil will be there for approximately 8 months. Regarding the construction equipment and trailer concern, they won't have a construction trailer for this project. All equipment will be designated to the construction area within the Phase I development area. As far as the fence, Mr. Wimmer stated that they could extend the fence. They had originally intended a 6' fence along the entire west end of this property line and extending 115', which goes to the front of Mr. Rybacki's residence on the north and south property lines. Mr. Wimmer stated he would work with him on this. Ms. Papelbon stated that the fence would have to be brought down to 3' past where they have it on the plan (to the front plane of the house). The City does not allow 6' fences in the front setback. Commissioner Johnston stated the fence would only go to the property line and not to the sidewalk. Commissioner Johnston suggested it be installed before construction starts. Mr. Wimmer stated their intention was to install the fence as soon as they are approved and ready to start construction. Ms. Papelbon stated the fence would have to be no taller than 3', decorative, and would have to follow the fence code.

Ms. Papelbon drew the Commission's attention to the part of the staff report that discusses the sign. Per Code, the development sign has to be approved by the Plan Commission because this is located within multi-family residential district. Ms. Papelbon asked if there are any concerns with the sign. Mayor Scaffidi stated that the Plan Commission did not have any concerns.

Alderman Bukiewicz moved that the Plan Commission approves the site and building plans submitted by Nick Wimmer, Wimmer Communities, for the properties at 6871, 6881, 6881R, 6933, 6939, 6955 S. 13<sup>th</sup> St. with the following conditions:

1. That all building and fire codes are met.
2. That stormwater and grading plans are submitted for final approval by the Engineering Department prior to issuance of permits.

3. That an approval letter/permit from the Wisconsin Department of Natural Resources for planting within a wetland is submitted for review and approval by the Director of Community Development prior to the issuance of building permits unless the landscaping plans are revised to remove vegetation within the wetland(s).
4. That final lighting plans indicating luminaire type, pole type, color, and height are submitted for final approval by the Director of Community Development, upon written recommendation of the Electrical Inspector, prior to the issuance of building permits.
5. That detailed plans for signage are submitted for review and approval by the Director of Community Development prior to the issuance of building permits.
6. That all mechanical equipment is screened from view.
7. That revised landscaping plans are submitted for review and approval by the Director of Community Development prior to the issuance of building permits.
8. That all water and sewer utility connections are coordinated with the Oak Creek Water & Sewer Utility.
9. That a fence is erected on the north, west, and south sides of the property at 6903 S. 13th St. in compliance with the fence Code.

Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

### **Plan Review**

#### **Petsmart**

**320 W. Town Square Way/7901 S. Delco Dr.**

**Tax Key No. 813-9048**

Ms. Papelbon provided an overview of the proposal.

Commissioner Chandler asked for more information on the staff request for a change in the sconces. Ms. Papelbon responded that there are no changes to the sconces being requested, but a recommendation for adding sconces on columns throughout the building. If the applicant does not wish to add more sconces, staff is fine with the proposed locations.

Commissioner Chandler asked for more information on adding signs to the building versus on the canopy. Ms. Papelbon responded that the proposed signage is on Nichiha panels. Instead of having the signage directly on the panels, which resemble siding, staff recommends affixing the letters directly to the building. Adam Fischer, Thompson Thrift Development, Indianapolis, IN, stated that the intent for the different material behind the sign was as an accent. It is not attached to the stucco.

Commissioner Siepert stated his concern that the dumpster does not fit in with the rest of the building. He would want to see better landscaping and design of it. Mr. Fischer responded that part of the reason they have the paving extended into Lot C to the west is for trash pickup. The plan is to have the trucks come in at the access point further to the west and drive through the parking lot, come down the front of the building, and then access that enclosure backing up in front of the building and leaving through the drive cut. Mr. Fischer stated that there is landscaping all around it and feels it is adequately screened. It is a solid masonry enclosure with concrete panel gate accents that align with some of the other materials that are being used in the building. Director of Community Development Doug Seymour responded that in this case, reorienting that dumpster would decrease landscape areas and additional pavement would be required. He stated that staff is comfortable with the orientation and the design of the dumpster enclosure. Commissioner Dickmann stated that the dumpster location looks extremely convenient to the pet store, but it is far away from the other retail store and inquired how they would handle their trash. Mr. Fischer responded that they are going to have to use that dumpster because there is no other place for them to place another dumpster. Any trash that they will be hauling out will more than likely be paper and plastic. Commissioner Carrillo stated her concern that the dumpster is in the site line from the Town Square. Mr. Seymour responded that given the distance, the landscape screening, the materials of the enclosure itself, and that it is going to be framed by additional buildings, he does not believe that the dumpster enclosure will become a focus from the Town Square itself.

Mayor Scaffidi stated that when he looks at this design, he is pleased with the proposed landscaping. Everything south of the signage on the building looks okay. However, everything north of that on the

building (retail store) looks boring and not very stylistic. It does not look like he would expect things to look on this property. Commissioner Correll stated that to take away the Nichiha panels behind the signage would make the building look even more boring. Alderman Bukiewicz recommended keeping the paneling as it gives the sign some type of definition and makes it stand out. Alderman Bukiewicz likes the use of the canopies and agrees with extending them to the east side.

Alderman Bukiewicz stated his concern about the amount of parking between the buildings being excessive. Mr. Seymour responded that those are the major shared parking areas not only for the perimeter commercial, but actually throughout the development. By intent, the plan called for common parking fields so it encourages the shared parking as opposed to private parking fields. While it does create some open areas along Drexel Avenue, the mixed landscaping and building zones are to have the uniform landscaping edge that would compensate for that.

Commissioner Dickmann asked if the Plan Commission wants to review the signs or if they are comfortable with a staff review and approval (condition #4). Commissioner Dickmann stated his preference for staff to review and approve the signage.

Arden Degner, 8540 S. Pennsylvania Avenue, inquired as to how the exercising of animals would be accommodated inside the building. Ashley Boyd, Thompson Thrift Development, responded that this is a pet supply store, not an overnight boarding facility. Pets are brought to the facility for grooming and they do sell pets, but none will be boarded overnight.

Alderman Guzikowski asked if there will be any LED signage on the monument sign. Mr. Boyd responded that they intended to provide the monument sign that has been approved for the development. Whatever the standard would be for Drexel Town Square would be how the sign would be lit. Ms. Papelbon responded that they are internally illuminated. Jerry Franke, WisPark, 301 W. Wisconsin Avenue, Milwaukee, WI, responded that the only reader boards would be the monument signs that have been previously approved. Everything else is a back-lit panel, so the typical corporate logo is lit internally.

Commissioner Johnston inquired about continuing the canopy around the north side to the west side. Alderman Bukiewicz stated that it dresses up the building and gives it some distinction. Commissioner Johnston asked if it should be wrapped all the way around to the east side of the building. Commissioner Johnston stated his concern that in doing that, someone might mistake the east side as the front of the store. Mr. Seymour stated that while that may be the case, it is not a compelling reason to not extend the canopy.

Commissioner Chandler asked if the applicant was okay with the mechanicals being completely covered. Mr. Boyd stated he is okay with it and he believes that they already are. While a couple of the units would extend above the parapet between 3 – 5 inches, they would only be visible at a height of 25 feet. You would have to be 1,000 feet away from the building in any direction before the eye would even pick up the fact that there is anything above the parapet. Mr. Seymour stated that this was mentioned because of the residential units that will be there that are 2, 3, and 4 stories tall. While the Code speaks primarily to the line-of-site from grade, there are some special circumstances here, and the applicant is encouraged to find a cost-effective design solution to take that into account. Ms. Papelbon stated she has been in discussions with the applicant, and one of the potential options is that the mechanical units are painted such that they don't reflect the glare to the other buildings. Another option is to look at whether or not some kind of screening could go around the units themselves where they will be seen above the parapets. Ms. Papelbon stated that painting the mechanicals would be the most feasible option. Alderman Bukiewicz recommended painting the mechanical units.

Commissioner Chandler inquired about staff's recommendation to extend the brick on the retail store in place of siding. Ms. Papelbon responded that it was a staff recommendation going along with the Mayor's comments about the stucco. That recommendation is up for Plan Commission consideration. It was just an idea and not necessarily the way to go. Staff does not have a problem with the retail store having two types of building materials at the top (stucco versus brick). However, the additional brick does make the building look fairly heavy. Staff is not convinced that brick is the way to go, but it was just an idea for dressing up the building.

Alderman Bukiewicz asked if the Plan Commission wanted to see the detailed plans for signage come back to the Commission for review and approval. The consensus was that the detailed signage plans should come to the Commission for review and approval. Mr. Boyd asked if this was for the wall signs or the monument sign as well. Mayor Scaffidi responded it is just referring to the wall signs.

Alderman Bukiewicz moved that the Plan Commission approves the site and building plans submitted by Thompson Thrift Development for the property located at 320 W. Town Square Way/7901 S. Delco Dr. with the following conditions:

1. That all building and fire codes are met.
2. That revised landscaping plans are submitted for review and approval by the Director of Community Development prior to the issuance of building permits.
3. That final lighting plans indicating luminaire type, pole type, color, and height are submitted for final approval by the Director of Community Development, upon written recommendation of the Electrical Inspector, prior to the issuance of building permits.
4. That detailed plans for signage are reviewed and approved by the Plan Commission.
5. That plans addressing grading, drainage, and stormwater quality (including the use of stormwater best management practices) be approved by the City Engineer prior to the issuance of building permits.
6. That all mechanical equipment is screened from view. Details for screening the rooftop mechanicals shall be submitted for review and approval by the Director of Community Development prior to the issuance of building permits.
7. That all water and sewer utility connections are coordinated with the Oak Creek Water & Sewer Utility.
8. That a canopy identical to the canopy on the north and northwest side of the building (retail store) is also placed on the east and northeast side of the building.

Commissioner Dickmann seconded. On roll call: all voted aye. Motion carried.

**Plan Review**  
**Azura Living, LLC**  
**8860 S. Mayhew Dr.**  
**Tax Key No. (TBD)**

Ms. Papelbon provided an overview of the proposal.

Matthew Lyons, Azura Living, 3901 S. Wadsworth Blvd., Denver, CO, gave a presentation showing renderings and described colors and materials. Mayor Scaffidi stated this is a nice looking building. Commissioner Correll agreed.

Commissioner Correll asked if the amount of parking was appropriate. Mr. Lyons stated that in the conditional use permit they were allowed a reduction in total required parking for the two-phase building. The parking was designed to meet nursing home requirements, which is one parking stall per three beds, plus the peak shift parking for staff. There are an additional 12 stalls for shared parking with the office condominium building to the south. The parking is being installed up front for both phases.

Commissioner Siefert asked if the Fire Department will have difficulty accessing the backside of that building with the addition of a second phase. Asst. Chief Kressuk responded that as part of meeting the Fire Code requirements, he wants to discuss the implementation of the second phase and then access around the building. The Code requirements for a fully-sprinklered structure do give certain allowances for distances from access roads and hydrant placement. With the second phase, Asst. Chief Kressuk recommended early discussion on how that will be made to work. With Phase I, there is relatively good access along the west and south sides of the structures. Modifications need to be made along the south side heading east. There is a shared driveway that does allow for better access along that side of the building and potentially the turnaround.

Alderman Guzikowski stated this is a really good looking building, has a nice design and compliments the City well.

Alderman Guzikowski inquired about the size reduction of the signage. Mr. Lyons responded that the Code allowance is a 6-foot-tall sign, and 46 square feet per side not to exceed 96 square feet. They plan on having a monument sign that will essentially mimic the look of the building with the stone accent. The Azura Memory Care logo will be on the sign. They will definitely stay within the Code requirements there.

Commissioner Johnston asked about emergency access through the front door and if there are any issues with that. Asst. Chief Kressuk responded that ambulance access is generally designed for the back of the building. However, front access is acceptable to the Fire Department because it does provide easy in and easy out of the structure. Most of the time when they enter a building for patient care, they speak to the staff first, and most of the time staff is located at the front of the building.

Asst. Chief Kressuk asked how much clearance there is from the north of the building and the parking lot for the clinic. Mr. Lyons responded he was not sure of the exact distance. Asst. Chief Kressuk stated that it is potentially another access point for an emergency. Asst. Chief Kressuk stated that looking at the plans, the strategy to improve access for emergency services would take place along the south looping back up along the northeast portion of the building.

Commissioner Johnston asked about the loading docks on the south and if they were strictly for in-house operations. Mr. Lyons responded that they are not actually docks, but designated loading areas. The commercial kitchen will be on the southwest corner, so there will be direct access for food storage.

Ms. Papelbon stated that because there will be a monument sign in a residential area, the Plan Commission needs to make a decision as to whether the proposal meets the requirements and is in keeping with the nature of the neighborhood. Mayor Scaffidi stated that he is confident that staff will find a sign solution that works aesthetically.

Ms. Papelbon asked whether or not the proposed materials with the  $\frac{3}{4}$  majority would satisfy for the masonry requirement as recommended by staff. Three-quarter majority of a yes vote on this item would be an approval of the building materials.

Commissioner Correll moved that the Plan Commission approves the site and building plans submitted by Matthew Lyons, Azura Living, for the property at 8860 S. Mayhew Dr. with the following conditions:

1. That all building and fire codes are met.
2. That stormwater and grading plans are submitted for final approval by the Engineering Department prior to issuance of permits.
3. That final lighting plans indicating luminaire type, pole type, color, and height are submitted for final approval by the Director of Community Development, upon written recommendation of the Electrical Inspector, prior to the issuance of building permits.
4. That detailed plans for the monument sign are submitted for review and approval by the Director of Community Development prior to the issuance of building permits.
5. That all mechanical equipment is screened from view. Screening details shall be submitted for review and approval by the Director of Community Development prior to the issuance of building permits.
6. That revised landscaping plans are submitted for review and approval by the Director of Community Development prior to the issuance of building permits.
7. That all water and sewer utility connections are coordinated with the Oak Creek Water & Sewer Utility.

Commissioner Siepert seconded. On roll call: all voted aye. Motion carried.

**Sign Plan Review**  
**Water Street Brewery**  
**140 W. Town Square Way**  
**Tax Key No. 813-9030**

Ms. Papelbon provided an overview and explanation of the proposal.

Mayor Scaffidi asked if the applicant was made aware that the signage on the north side of the building was not part of staff's recommendation. Ms. Papelbon responded yes. Mr. Seymour stated he has not had any further contact with the applicant after the e-mail was sent notifying them of staff's recommendation.

Arden Degner, 8540 S. Pennsylvania Avenue, stated his concern that signage has a particular square footage based on the type of wall signs. This type of sign looks like it extends across the entire face of the building. Ms. Papelbon stated that the raceway sign on the north elevation as seen from Drexel Avenue is proposed to be 44.7 square feet. Each of the logos on the tanks are proposed to be 30 square feet - a 6' x 6' round logo on the east and west sides of the tank. The full Water Street Brewery logo on the east and west elevations will be 66 square feet each. The smaller sign on the south elevation is proposed to be 29.3 square feet. Code requirements for signage designate a maximum of 100 square feet for a wall sign.

Alderman Bukiewicz stated this is a true corner anchor tenant. It is setting the tone for the entire project on the outer perimeter. He stated that he fully supports the signs. He hopes that the applicant will pursue the variance for the north elevation. Mayor Scaffidi concurred. Commissioner Dickmann concurred. Commissioner Dickmann stated he likes "Oak Creek" on the logo signs on the tanks.

Commissioner Chandler recommended that this item be held because the applicant was not in attendance. In the past, items were held when the applicant was not in attendance. Mr. Seymour asked if there were any questions for the applicant that would preclude the Commission from making a decision on this item. Commissioner Correll stated he is comfortable with the information provided, but he thought there was a previous discussion to direct applicants to have some representation at the meeting. Ms. Papelbon responded that every applicant is directed to have a representative present. However, the fact that this moved rather quickly may be why the applicant is not present. Ms. Papelbon did speak with the architect on the project, and she stated that the plans show the same signs proposed from the beginning. Mayor Scaffidi asked who wanted the item held due to the applicant not being present. Commissioner Correll stated that based on Ms. Papelbon's comments, he would feel comfortable voting on this. Alderman Guzikowski asked if this item is held and the applicant is brought back, can the approval of the signage on the north elevation be included. Ms. Papelbon responded that staff looked at this extensively to determine what could be done to make it work within the confines of the PUD; however, a solution could not be found. The PUD is quite specific about what is allowed. Therefore, the approval of the north elevation sign will have to be through the variance process.

Commissioner Correll stated that the signage is very integral to what they are doing, so he fully supports the signage on this.

Alderman Bukiewicz stated he does recall that the Plan Commission agreed that the applicants must be present. Alderman Bukiewicz stated that the pace of construction of the Water Street Brewery building is very quick. All of these signs are custom-made for this building. These are not mass-produced because each of the restaurants have different dimensions. They do have to get this into production and to push them back two weeks could hold up the finishing of this development. He does not see the need to hold the item, although he does agree that the applicant should be here. Ms. Papelbon explained that if the Plan Commission approves the staff recommendation, the applicant will have to come back for a variance for the signage on the north side of the building. This will not happen for at least 4 weeks as notice has to be given for a public hearing.

Alderman Bukiewicz moved that the Plan Commission approves the sign plan submitted by Paul Radermacher for the Water Street Brewery property at 140 West Town Square Way with the following conditions:

1. That the signs on the north façade are NOT approved. The applicant may submit a sign appeal request for these signs.
2. That the signs on the east, west, and south facades are approved.
3. That a permit application for the signs on the east, west, and south facades be submitted for review and approval by the Inspection Department.

Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

Mayor Scaffidi recommended that staff have a live phone conversation with the applicant and make them aware of the process for the variance.

Commissioner Carrillo moved to adjourn. Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 8:00 p.m.